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*Arizona Constitution.*

## CONSTITUTIONAL AMENDMENTS

Submitted to the People by the Legislature, and those proposed by Initiative Petition of the People, and

## ACTS

Passed at the Regular and First Special Sessions of the First State Legislature, 1912, against which Referendums were Filed,

ALL OF WHICH WERE APPROVED BY THE  
QUALIFIED ELECTORS OF THE STATE

AT THE

Election Held on November the Fifth, 1912

And became laws on the Proclamation of the Governor, issued on December the Fifth, 1912

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(Printed in accordance with Sec. 1, of Chap. 71, Special Session, Laws of 1912.)





615-283, 441

# Constitutional Amendments

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# Constitutional Amendment

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Sec. 1. of Article VIII of the Constitution of the State of Arizona shall be amended so as to read as follows:

## “ARTICLE VIII.

### REMOVAL FROM OFFICE.

#### 1. RECALL OF PUBLIC OFFICERS.

Sec. 1. Every public officer in the State of Arizona, holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such electoral district may include the whole State. Such number of said electors as shall equal twenty-five per centum of the number of votes cast at the last preceding general election for all of the candidates for the office held by such officer, may by petition, which shall be known as a Recall Petition, demand his recall.”

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NOTE.—The foregoing amendment was submitted to the people by the Legislature, filed in the office of the Secretary of State April 27th, 1912, and approved by a majority of the votes cast thereon at the general election, on the 5th day of November, 1912. There were 16,272 votes cast for said amendment and 3,705 against, and was proclaimed by the Governor on December 5th, 1912.

SECRETARY OF STATE.

CONSTITUTIONAL AMENDMENT.

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Article II of the Constitution of the State of Arizona, shall be amended by creating and adding to said Article II another section to read as follows:

## “ARTICLE II.

## DECLARATION OF RIGHTS.

“Sec. 34. The State of Arizona and each municipal corporation within the State of Arizona shall have the right to engage in industrial pursuits.”

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NOTE.—The foregoing amendment was submitted to the people by the Legislature, filed in the office of the Secretary of State May 1, 1912, and approved by a majority of the votes cast thereon at the general election, on the 5th day of November, 1912. There were 14,928 votes cast for said amendment and 3,602 against, and was proclaimed by the Governor on December 5th, 1912.

SECRETARY OF STATE.

CONSTITUTIONAL AMENDMENT.

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Sec. 11. of Article IX of the Constitution of the State of Arizona shall be amended so as to read as follows:

## "ARTICLE IX.

## PUBLIC DEBT, REVENUE AND TAXATION.

Sec. 11. The manner, method and mode of assessing, equalizing and levying taxes in the State of Arizona shall be such as may be prescribed by law."

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NOTE.—The foregoing amendment was submitted to the people by the Legislature, filed in the office of the Secretary of State May 18, 1912, and approved by a majority of the votes cast thereon at the general election, on the 5th day of November, 1912. There were 15,967 votes cast for said amendment and 2,283 against, and was proclaimed by the Governor on December 5th, 1912.

SECRETARY OF STATE.

## CONSTITUTIONAL AMENDMENT.

Sec. 8 of Article IX of the Constitution of the State of Arizona shall be amended to read as follows:

## "ARTICLE IX.

## PUBLIC DEBT, REVENUE AND TAXATION.

Sec. 8. No County, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding four per centum of the taxable property in such county, city, town, school district, or other municipal corporation, without the assent of a majority of the property taxpayers, who must also in all respects be qualified electors, therein voting at an election provided by law to be held for that purpose, the value of the taxable property therein to be ascertained by the last assessment for State and county purposes, previous to incurring such indebtedness; except, that in incorporated cities and towns assessments shall be taken from the last assessment for city or town purposes; "Provided, that under no circumstances shall any county or school district become indebted to an amount exceeding ten per centum of such taxable property, as shown by the last assessment roll thereof; and Provided, further, "that any incorporated city or town, with such assent, may be allowed to become indebted to a larger amount, but not exceeding fifteen per centum additional, for supplying such city or town with water, artificial light, or sewers, when the works for supplying such water, light or sewers are or shall be owned and controlled by the municipality."

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NOTE.—The foregoing amendment was submitted to the people by the Legislature, filed in the office of the Secretary of State June 6th, 1912, and approved by a majority of the votes cast thereon at the general election, on the 5th day of November, 1912. There were 15,358 votes cast for said amendment and 2,676 against, and was proclaimed by the Governor on December 5th, 1912.

SECRETARY OF STATE.

## CONSTITUTIONAL AMENDMENT.

Sections 2 and 15, of Article VII, of the Constitution of Arizona, be and are hereby amended to read as follows, to-wit:

## “ARTICLE VII.

## SUFFRAGE AND ELECTIONS

Sec. 2. No person shall be entitled to vote at any general election, or for any office that now is, or hereafter may be, elective by the people, or upon any question which may be submitted to a vote of the people, unless such person be a citizen of the United States of the age of twenty-one years or over, and shall have resided in the State one year immediately preceding such election. The word “citizen” shall include persons of the male and female sex.

The rights of citizens of the United States to vote and hold office shall not be denied or abridged by the state, or any political division or municipality thereof, on account of sex, and the right to register, to vote and to hold office under any law now in effect, or which may hereafter be enacted, is hereby extended to, and conferred upon males and females alike.

No person under guardianship, non compos mentis, or insane, shall be qualified to vote at any election, nor shall any person convicted of treason or felony, be qualified to vote at any election unless restored to civil rights.

Sec. 15. Every person elected or appointed to any office of trust or profit under the authority of the state, or any political division or any municipality thereof, shall be a qualified elector of the political division or municipality in which said person shall be elected or appointed.

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NOTE.—The foregoing amendment was submitted to the people by Initiative Petition, filed in the office of the Secretary of State July 5th, 1912, and approved by a majority of the votes cast thereon at the general election, on the 5th day of November, 1912. There were 13,442 votes cast for said amendment and 6,202 against, and was proclaimed by the Governor on December 5th, 1912.

SECRETARY OF STATE.





# REFERENDUM

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HOUSE BILL NO. 97

(Chapter 66, Laws 1912.)

AN ACT

To Amend Paragraph 2904 (Section 25) of Chapter II, Title 40, of the Revised Statutes of Arizona, 1901, Relating to Liens.

*Be it Enacted by the Legislature of the State of Arizona:*

Section 1. That Paragraph 2904 (Section 25) of Chapter II, Title 40, of the Revised Statutes, 1901, be and the same is hereby amended to read as follows:

2904. (Section 25.) All miners, laborers and others who may labor, and all persons who may furnish material of any kind, designed or used, in or upon any mine, or mining claim, and to whom any sum is due for such labor or material, shall have a lien upon the same for such sums as are unpaid. And said lien for labor performed, or material furnished, shall attach to said mine, or mining claim, whenever said labor was performed, or said material was furnished in or upon said mine, or mining claim, under any of the following conditions:

1. Under or by virtue of a contract between the person performing such labor, or furnishing said material, and the owner of said mining claim, or his agent, trustee, receiver, contractor or contractors.

2. Under or by virtue of a contract between the person performing such labor, or furnishing said material, and the lessee of said mine, or mining claim, or his agent, or contrac-

tor, where the terms of the lease from the owner of said mine, or mining claim, to said lessee, permit said lessee to **develope** or work said mine, or mining claim.

3. Under or by virtue of a contract between persons performing said labor, or furnishing said material, and any person or corporation having an option to buy, or contract to purchase said mine or mining claim, from the owner thereof, where said option or contract permits the person, or corporation, having said option to buy, or contract to purchase, to go upon said mine, or mining claim, and to work or develope the same.

The lien herein provided for shall attach to the mine, or mining claim, in or on which said labor was performed or material furnished, in preference to any prior lien, or encumbrance, or mortgage upon said mine, or mining claim, EXCEPT such liens, encumbrances, or mortgages, which may have attached to any mine, or mining claim, prior to the passage of this Act.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall take effect and be in force ninety days after the close of this session of the Legislature.

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NOTE.—The foregoing Act was passed by the Legislature and Referendum ordered by petition of the people, filed in the office of the Secretary of State August 16, 1912, and approved by a majority of the votes cast thereon at the general election held on the 5th day of November, 1912. There were 13,551 votes cast for said Act and 5,804 against, and was proclaimed by the Governor on December 5th, 1912.

SECRETARY OF STATE.

REFERENDUM

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HOUSE BILL NO. 44

(Chapter 16, Laws of 1912.)

AN ACT

**Regulating the Number of Men to be Employed on Trains and Engines.**

*Be it Enacted by the Legislature of the State of Arizona:*

Section 1. A single locomotive, or a single locomotive with its accompanying tender, when operated outside of the yard limits, shall be equipped with, and shall carry, a crew consisting of not less than one engineer, one fireman, and one conductor or flagman; Provided, however, that this Section shall not apply to helper locomotives going or returning a distance of twenty-five (25) miles.

Sec. 2. A passenger, mail or express train, composed of less than six cars, when operated outside of the yard limits, shall be equipped with and shall carry a crew consisting of not less than one engineer, one fireman, one conductor, one baggage-master, and one flagman; Provided, however, that this Section shall not apply to gasoline motor cars.

Sec. 3. A passenger, mail or express train composed of six or more cars, when operated outside of the yard limits, shall be equipped with and shall carry a crew consisting of not less than one engineer, one fireman, one conductor, one baggage-master, one flagman, and one brakeman.

Sec. 4. A freight train composed of less than forty cars, when operated outside of the yard limits, shall be equipped with and shall carry a crew consisting of not less than one engineer, one fireman, one conductor, one flagman, and one brakeman.

Sec. 5. A freight train composed of forty or more cars, when operated outside of the yard limits, shall be equipped with and shall carry a crew consisting of not less than one engineer, one fireman, one conductor, one flagman and two brakemen.

Sec. 6. All local freight trains, doing any switching, or unloading any freight of whatever nature, shall be equipped with and shall carry a crew consisting of six persons, to-wit: one conductor, one engineer, one fireman, two brakemen, and one flagman.

Sec. 7. All trains other than those described in the preceding portions of this Act, when operated outside of the yard limits, shall be equipped with and shall carry a crew consisting of not less than one engineer, one fireman, one conductor, one flagman, and one brakeman.

Sec. 8. That all flagmen mentioned in the preceding sections shall have had at least one year's experience as brakemen.

Sec. 9. All engines used in switching or placing cars within the limits of any railroad yard shall be equipped with and shall carry a crew of not less than one engineer and one fireman.

Sec. 10. That from and after the taking effect of this Act, it shall be unlawful for any railroad company, or for the receiver of any such company, to run upon or over any line of railroad, or any part thereof, within the State of Arizona, any train, locomotive, or engine, which is not equipped with or does not carry for use in its operation, a full crew as herein fixed and prescribed; and each and every railroad company or receiver that, after the taking effect of this Act, shall run upon or over any line of railroad, or any part thereof, within the State of Arizona, any train, locomotive, or engine, which is not equipped with or does not carry for use in its operation a full

crew as herein fixed and prescribed, shall be liable to the State of Arizona for a penalty of not less than One Hundred Dollars (\$100.00) for every such offense.

Sec. 11. All suits for penalties under this Act shall be brought and prosecuted to judgment in the name of the State of Arizona, as plaintiff, in a court of competent jurisdiction in the county of Maricopa, or in any county in said State into or through which the defendant's line or railroad may be operated; and such suits shall be brought and prosecuted by the Attorney General, or under his direction, or by the County Attorney of such county.

Sec. 12. Nothing contained in this Act shall apply to relief or wrecking trains in any case where a sufficient number of men are not immediately available to comply with the provisions of this Act; or to any railroad less than forty miles long, including all of its operated lines; or to cases where trains have been sent out or started at the last division point with the requisite number of employees, but owing solely to the disability or the refusal further to act of some one or more of such employees, the train is left with less than a full crew. Provided, also, that no baggage-master shall be required in the operation of a train upon which baggage is not carried.

Sec. 13. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

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NOTE.—The foregoing Act was passed by the Legislature and Referendum ordered by petition of the people, filed in the office of the Secretary of State August 14, 1912 and approved by a majority of the votes cast thereon at the general election held on the 5th day of November, 1912. There were 11,123 votes cast for said Act and 7,635 against, and was proclaimed by the Governor on December 5th, 1912.

SECRETARY OF STATE.



## REFERENDUM

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HOUSE BILL NO. 42

(Chapter 27, Laws of 1912.)

## AN ACT

**Regulating Head Lights on All Locomotives; and Providing  
a Penalty for Violation of the Provisions of this Act.***Be it Enacted by the Legislature of the State of Arizona:*

Section 1. It shall be the duty of every railroad corporation, or receiver or lessee thereof, operating any line of railroad in this State, within six months after the passage of this Act, or within such additional time as may be prescribed by order of the Corporation Commission of Arizona, after such railroad has made a proper showing of its inability to comply to equip all locomotive engines, used in the transportation of trains over said railroad, with electric head lights of not less than fifteen hundred candle power, measured without the aid of a reflector; provided, that this Act shall not apply to locomotive engines regularly used in the switching of cars or trains.

Sec. 2. Any railroad company, or receiver or lessee thereof doing business in the State of Arizona, which shall violate the provisions of this Act, shall be liable to the State of Arizona for a penalty of not less than One Hundred Dollars (\$100.00), nor more than One Thousand Dollars (\$1,000.00) for each offense; and suit shall be brought to recover such penalty, in a court of competent jurisdiction, in the name of the State of Arizona, by the Attorney General or by the County Attorney of any county in or through which said railroad may be operated.



Sec. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

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NOTE.—The foregoing Act was passed by the Legislature and Referendum ordered by petition of the people, filed in the office of the Secretary of State August 14, 1912 and approved by a majority of the votes cast thereon at the general election held on the 5th day of November, 1912. There were 11,286 votes cast for said Act and 7,408 against, and was proclaimed by the Governor on December 5th, 1912.

SECRETARY OF STATE.

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REFERENDUM

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HOUSE BILL NO. 50

(Chapter 47, Laws of 1912.)

AN ACT

To Provide Adequate Punishment for any Person Who Shall Engage or Act in the Capacity of a Locomotive Engineer, or Train Conductor, Upon any Railroad in the State of Arizona, Without Having First Served Three Years as a Locomotive Fireman, or Engineer, or if Engaged as a Conductor on any Railroad Train in This State, He Shall Be Punished as Herein Provided if He Engages to so Act Without First Having Served Three Years as a Brakeman or Conductor of a Freight Train; To Punish any Person Who Shall Knowingly Engage, Promote, Require, Persuade, Prevail Upon or Cause any Person to do any Act in Violation of this Act; But Exempting Lines Operating of Less than Twenty-five Miles in Length From the Operation of this Act.

*Be it Enacted by the Legislature of the State of Arizona:*

Section 1. If any person shall run or operate any locomotive engine upon any railroad in the State of Arizona, with-

out having served three years prior thereto as a fireman or engineer on a locomotive engine, he shall be deemed guilty of a misdemeanor, and he shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, and each day he so engages shall constitute a separate offense.

Sec. 2. If any person shall act or engage to act as a conductor on a railroad train in this State without having for three years prior thereto served or worked in the capacity of a brakeman or conductor on a freight train on a line of railroad, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars; and each day he so engages shall constitute a separate offense.

Sec. 3. If any person shall knowingly engage, promote, require, persuade, prevail upon or cause any person to do any act in violation with the provisions of the two preceding sections of this Act, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars; and each day he so engages shall constitute a separate offense.

Sec. 4. Nothing in this Act shall be construed as applying to the running or operating of engines, in taking said engines to or from trains at division terminals by engine hostlers, or the shifting of cars or making up trains, or doing any work appurtenant thereto at engine houses, train or freight yards by switchmen or yardmen, or in the case of the disability of an engineer or conductor while out on the road between division terminals. In case of emergency, where such companies cannot obtain the employees mentioned in this Act who have the qualifications prescribed by the provisions thereof, then such companies may employ temporary engineers and conductors who have not the qualifications prescribed by this Act until such trains reach their terminals.

Sec. 4a. The provisions of this Act shall not apply to any railroad company within this State, or the receiver or lessee thereof, whose line of railway is less than twenty-five miles in length.

Sec. 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

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NOTE.—The foregoing Act was passed by the Legislature and Referendum ordered by petition of the people, filed in the office of the Secretary of State August 14, 1912 and approved by a majority of the votes cast thereon at the general election held on the 5th day of November 1912. There were 10,921 votes cast for said Act and 7,956 against, and was proclaimed by the Governor on December 5th, 1912.

SECRETARY OF STATE.

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REFERENDUM

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HOUSE BILL NO. 43

(Chapter 43, Laws of 1912.)

AN ACT

**Limiting the Number of Cars in a Train.**

*Be it Enacted by the Legislature of the State of Arizona:*

Section 1. It shall be unlawful for any person, firm, association, company or corporation, operating any railroad in the State of Arizona, to run, or permit to be run, over his, their, or its line or road, or any portion thereof, any train consisting of more than seventy freight, or other cars, exclusive of caboose.

Section 2. It shall be unlawful for any person, firm, association, company or corporation, operating any railroad in the State of Arizona, to run, or permit to be run, over his,

their, or its line or road, or any portion thereof, any passenger train consisting of more than fourteen cars.

Section 3. Any person, firm, association, company or corporation, operating any railroad in the State of Arizona, who shall wilfully violate any of the provisions of this act, shall be liable to the State of Arizona for a penalty of not less than one hundred dollars, nor more than one thousand dollars, for each offense; and such penalty shall be recovered and suits therefor brought by the Attorney General, or under his direction, in the name of the State of Arizona, in any county through which such railway may be run or operated, provided, however, that this act shall not apply in cases of engine failures between terminals.

Section 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

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NOTE.—The foregoing Act was passed by the Legislature and Referendum ordered by petition of the people, filed in the office of the Secretary of State August 14, 1912 and approved by a majority of the voters cast thereon at the general election held on the 5th day of November, 1912. There were 10,709 votes cast for said Act and 8,228 against, and was proclaimed by the Governor on December 5th, 1912.

SECRETARY OF STATE.

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## REFERENDUM

SENATE BILL NO. 24 (Special Session)

(Chapter 5, Laws of 1912.)

### AN ACT

**To Provide for and to Regulate Transportation of Passengers  
By Common Carriers on Railroads Within the State of  
Arizona.**

*Be it Enacted by the Legislature of the State of Arizona:*

Sec. 1. No company, or corporation, operating a railroad, other than a street or electric railroad, in whole or in part,



within this State, shall ask, demand, or receive, for first-class transportation, for each passenger between points within this State, on the portion of its railroad operated within this State, more than three cents per mile, until otherwise provided by law; provided, however, that the Corporation Commission shall have the power to exempt any railroad from the operation of this section, upon satisfactory proof that such railroad cannot earn a just and reasonable compensation for the services rendered by it to the public, if not permitted to charge more than three cents per mile for the transportation of passengers within this State.

Sec. 2. Any company, or corporation, operating a railroad, as provided in the preceding section, that shall violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than Fifty Dollars (\$50.00) and not more than Three Hundred Dollars (\$300.00) for each offense. Each and every violation shall constitute a separate offense.

Sec. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

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NOTE.—The foregoing Act was passed by the Legislature and Referendum ordered by petition of the people, filed in the office of the Secretary of State August 14, 1912 and approved by a majority of the votes cast thereon at the general election held on the 5th day of November, 1912. There were 14,823 votes cast for said Act and 4,835 against, and was proclaimed by the Governor on December 5th, 1912.

SECRETARY OF STATE.

## REFERENDUM

## REFERENDUM

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SENATE BILL 19 (Special Session)

(Chapter 10, Laws of 1912.)

## AN ACT

To Amend Paragraphs 615 and 617 of Part 1, Title XVII of the Penal Code, Revised Statutes of Arizona, 1901, Said Title Relating to Miscellaneous Crimes.

*Be it Enacted by the Legislature of the State of Arizona:*

Sec. 1. That Paragraph 615 of Part 1, Title XVII of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

615. The State of Arizona, every department and institution of the State, every county and municipal corporation within the State, every contractor (whether individual, firm, partnership, association, or corporation) employed under contract by the State or by any of said departments, institutions, counties, or municipal corporations, and every company or corporation doing business in the State, shall designate regular days not more than sixteen days apart as days fixed for the payment of wages to the employees thereof, and shall post and maintain notices, printed or written, in plain type or script, in at least two conspicuous places where said notices can be seen by said employees as they go to and from their work, setting forth said days as "pay days." And the State, and every such department, institution, corporation, or individual, shall pay on each of said days to its or his employees in lawful money of the United States, or in negotiable bank check, payable on demand, of the date of said day, all wages due said employees up to such pay day, except that said State, department, institution, corporation, or individual may with-



hold wages for not more than five days' labor due any employee remaining in the service thereof.

Sec. 2. That Paragraph 617 of Part 1, Title XVII of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

617. Every contractor mentioned in Paragraph 615 hereof and every corporation (except municipal corporations) violating any of the provisions of the two preceding sections shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

Sec. 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

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NOTE.—The foregoing Act was passed by the Legislature and Referendum ordered by petition of the people, filed in the office of the Secretary of State August 14, 1912 and approved by a majority of the votes cast thereon at the general election held on the 5th day of November, 1912. There were 13,350 votes cast for said Act and 5,986 against, and was proclaimed by the Governor on December 5th, 1912.

SECRETARY OF STATE

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REFERENDUM

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SENATE BILL NO. 42 (Special Session)

AN ACT

To Regulate and License the Hunting of Game Birds and Animals; To Provide Revenue Therefrom; To Preserve Game; and To Make Appropriation for the Purpose of Carrying out the Provisions of this Act.

*Be it Enacted by the Legislature of the State of Arizona:*

Sec. 1. No person shall at any time shoot, or take in any manner, any game which is by law protected in this State

without first having in his possession a hunting license as herein provided, for the year such shooting is done. Licenses shall be issued by the Clerk of the Board of Supervisors, State Game Warden, or such deputies as may be designated for that purpose by the State Game Warden. Such licenses shall be classified as follows:

(1) A general hunting license shall entitle the person therein named to hunt game quadrupeds, birds, and take fish during the open season thereof.

(2) A big game license shall entitle the person therein named to hunt game quadrupeds during the open season thereof. (Wild turkeys are classified as big game under the meaning of this Act.)

(3) A bird license shall entitle the person therein named to hunt game birds, other than wild turkeys, during the open season thereof.

Sec. 2. Any person of the age of twelve (12) years or over may, if a non-resident or alien, procure hunting licenses as herein provided by filing his affidavit, and if a resident, by filing a certificate, with the County Clerk, State Game Warden, or any Deputy Warden, authorized to issue hunting licenses, stating therein his name, age, height, weight, place of residence, post office address, and color of hair and eyes. No license shall be issued except on a blank furnished by the State Game Warden, and upon payment of the sum herein provided for such license. All hunting licenses shall be numbered consecutively when printed and shall expire with the calendar year in which issued and shall state the name, age, height, weight, place of residence, postoffice address, and color of hair and eyes of licensees.

Sec. 3. Any person who has been a bona fide resident of this State for the one year then last passed, shall be entitled to procure a resident license.

Any person not a bona fide resident of this State, but who is a bona fide resident of the United States, shall be entitled to procure a non-resident hunting license.

Any unnaturalized foreign born person who has lived in this State for the one year then last past, shall be entitled to procure a resident-alien hunting license.

Sec. 4. The possession of game at any time, unaccompanied by a proper and valid license, as herein provided, shall be prima facie evidence that such game was unlawfully taken and is unlawfully held in possession and it shall be the duty of every person having possession or control of game to produce the proper license when one is required by this Act, on demand of any officer, and permit the same to be copied by such officer. Open season for hunting, taking, or possessing any of the animals, birds, or fish, protected by this Act shall be between the following dates only, both inclusive:

(1) Male deer and turkey from October 1 to December 15.

(2) Quail, snipe and rail, from October 15 to February 1.

(3) Ducks, geese, and brant, from September 1 to April 1. Doves, and White Wings from June 1 to February 1, Trout, from June 1 to September 1. Black Bass, Strawberry Bass or Crappie, September 1 to December 1. Any person who shall take any fish under seven (7) inches in length, of any variety of fish protected by this Act, is hereby required to return such fish, as little injured as possible, to the waters from which they were taken. Any person failing to abide by the provisions of this section shall be guilty of a misdemeanor.

Sec. 5. It shall be unlawful to kill, trap or snare, or in any manner injure or destroy, or have in possession any Antelope, Elk, Goat, or Mountain Sheep, Female Deer, or Fawn, Road-runner, Bob White, Grouse or Pheasant.

Sec. 6. The right given by this Act to take or kill game or fish is limited to two (2) Male Deer in one season; twenty-five (25) Quail in one day; twenty-five (25) Ducks in one day; thirty-five (35) Doves or White Wings in one day; three (3) Turkeys in one season; twenty (20) pounds of Trout, Bass, Crappie, or Catfish, or forty (40) individual fish not less than seven (7) inches in length in one day. No game or fish shall be held in possession more than five (5) days after the close of the season for the killing of same.

Sec. 7. No game shall be pursued, wounded, taken, or killed, with a steel or hard pointed bullet, nor shall any person use in the pursuit, taking, wounding, or killing of any animals, birds, or fish, protected by this Act, any net, seine, trap, cage, snare, salt lick, blinds, scaffold, dead fall, pit, snag hook, trout line, artificial light, or similar device whatever, provided, that dogs, blinds, sinks and decoys may be used in hunting birds.

Sec. 8. No game or fish shall be received or held in storage except as follows, namely:

(1) During the open season therefor, and for five (5) days thereafter, when the same is stored for the person lawfully in possession of the same.

Sec. 9. No game or fish protected by this Act shall be held in possession or placed upon the table of any hotel, restaurant, cafe, or boarding house, or named in its menu or bill of fare, as food for its patrons, either under the name used in this Act or under any name or guise whatever, when the same shall have been killed or taken in this State except during the open season for such game or fish. The naming of game and fish upon any menu or bill of fare as food for patrons shall be prima facie evidence of the possession of the same by the proprietor of such hotel, restaurant, cafe, or boarding house. Invoices and bills of lading, and other required proof that game or fish comes from without the State, shall be preserved by the proprietor for at least thirty (30) days after the con-



sumption of the game or fish therein described and shall be delivered to the State Game Warden or his deputy on demand therefor within such time.

Sec. 10. Every net, trap, explosive, or poisonous or stupefying substance or device, used, or intended for use, in taking or killing game or fish, in violation of this Act, and set, kept, or found, in or upon any of the streams or waters of this State, or upon the shores thereof, and every trap, device, blind, or deadfall, found baited in violation of this Act, is hereby declared a nuisance and may be abated and summarily destroyed by any person, and it shall be the duty of every officer authorized to enforce this Act to seize and summarily destroy the same and no prosecution or suit shall be maintained for such destruction; provided, that nothing in this Act shall be construed as affecting the right of the State Game Warden to use such means as may be proper for the promotion of game and fish propagation and culture, nor as authorizing the seizure or destruction of fire arms.

Sec. 11. The necessary and ordinary fees and expenses of every posse lawfully summoned and engaged in the enforcement of this Act, shall be taxed as part of the costs, and if not collected from the person liable therefor, shall be paid out of the game protection fund.

Sec. 12. Whenever, upon conviction, the person convicted fails to pay the fine and costs imposed upon him, if over eighteen (18) years of age, he shall be committed to the county jail and shall there be kept confined one (1) day for each dollar of the fine and costs adjudged against him and he shall not be discharged or released therefrom by any board of officers, except upon the payment of the portion of the fine and costs remaining unserved or upon the order of the Governor of this State.

Sec. 13. If the holder of any license shall persistently, or flagrantly, or knowingly, violate or countenance the violation

of any of the provisions of the game laws, such license shall be revoked by the Game Warden after due notice shall have been given the alleged violator and opportunity afforded him to appear and show cause against the revocation of such license.

Sec. 14. In any prosecution under this Act, any participant in violation thereof, when so requested by the County Attorney, State Game Warden, or other officers instituting the prosecution, may testify as witness against any other persons charged with such violations and his evidence, so given, shall not be used against him in any prosecution for such violation.

Sec. 15. It shall be the duty of every Justice of the Peace and Clerk of the Court before whom any prosecution under this Act may be commenced, or shall go on appeal, and within twenty (20) days after the trial or dismissal thereof, to report in writing the results thereof, and the amount of fines collected, if any, and the disposition thereof, to the State Game Warden.

Sec. 16. The State Game Warden shall have the power to appoint such deputies as he may deem necessary. Such deputies as may be designated as license collectors or who shall receive per diem salaries shall be required to furnish bond in the sum of five hundred dollars (\$500.00) for the faithful performance of their duties. The State Game Warden shall have the power to pay such deputies as he shall designate, for specific duties, a per diem of three dollars (\$3.00), and actual necessary expenses, while under the direct order of the State Game Warden to perform services in enforcement of the game and fish laws; Provided, that the per diem expenses and salary of the deputies shall be paid semi-monthly upon verified vouchers under oath and approved by the State Game Warden out of the game protection fund; Provided, further, that the State Game Warden shall not designate deputies for services requiring per diem or expenses except when



there shall be sufficient funds in the game protection fund to pay for such services as in this section provided.

Sec. 17. The State Game Warden may issue permits to any person to take, capture, kill, transport within or out of the State, or import into the State, any game, birds, or fish, mentioned in this Act, at any time when satisfied that such person desires the same exclusively as specimens for scientific or propagating purposes. Such permits shall be in writing and shall state the kind and number to be taken and the manner of taking, the name of the person to whom issued, and if imported into the State the name of the State or territory from which shipped, and the name of the person shipping such game, birds, or fish, and shall be signed by him, and such permit shall not be transferable nor shall it be lawful to sell or barter any of the animals, birds, or fish, taken or imported under such permit, for food purposes, and the holder of such permit shall be liable to the penalties provided in this Act if he violates any of its provisions.

Sec. 18. The State Game Warden may authorize the redemption by any resident of this State, of any young animal which has been abandoned by its mother and taken in good faith for purpose of saving its life, but not more than four (4) such animals shall be redeemed by one person at the same time. He may also at any time and in any manner take any game running at large within the State, for the purpose of propagating in any other part of the State.

Sec. 19. The State Game Warden, if he so elect, or any other officer charged with the enforcement of the laws relating to game and fish, if so directed by the State Game Warden, may bring civil action in the name of the State against any person unlawfully wounding or killing, or having unlawfully in possession, any game quadruped, bird, or fish, or part thereof, and recover judgment for each such animal or part thereof, the following minimum sums as damage for the taking, kill-

ing or injuring thereof, to-wit: For each Elk, \$200.00; for each Deer, \$50.00; for each Antelope, \$100.00; for each Mountain Sheep or Goat, \$200.00; for each Bird, \$10.00; for each Fish, \$1.00. No judgment or verdict recovered by the State in such action shall be less than the sum hereinbefore fixed. Such action and damages may be joined with the action for possession and recovery had for the possession and also the damages therefor, aforesaid. Neither the pendency nor the determination of such action, nor the payment of such judgment, nor the pendency determined of a criminal prosecution for the same taking, wounding, killing or possession, shall be a bar to the other, nor affect the right of the other.

Sec. 20. The State Game Warden shall keep a seal of office which shall be used to authenticate all papers and documents issued and executed by him as such officer.

Sec. 21. The State Game Warden shall keep a record of all moneys received and all licenses, certificates, permits and tags, issued by him, numbering each class separately, and upon satisfactory proof that any license, certificate, or permit has been lost before the expiration thereof, he may issue a duplicate therefor for which the applicant shall pay the sum of ten (\$.10) cents. The State Game Warden and license collectors shall charge and collect the following fees: For each general license to residents, 50 cents; For each big game license, non-resident, \$25.00; for each big game license, alien, \$100.00; for each bird license, non-resident, \$10.00; for each bird license, alien, \$25.00; for each permit to transport out of the State, deer, or turkey, each \$2.00; for each duplicate license or permit, .10.

Sec. 22. It shall be unlawful for any person in the State of Arizona to use a gun of larger caliber than that commonly known and designated as number ten gauge, for the purpose of destroying any wild turkey, dove, quail, wild duck, wild goose, snipe, or rail.

Sec. 23. It shall be unlawful for any person in the State of Arizona to take, gather, or destroy, or have in possession at any time, the eggs of any quail, bob-white, partridge, grouse pheasant, dove, wild turkey, wild duck, wild goose, brant, snipe, rail, or any song bird of any kind.

Sec. 24. It shall be unlawful for any person to shoot a rifle, revolver, or shot gun of any caliber or gauge upon, from, or across any public highway of the State of Arizona, where there is cultivated land or dwelling houses either side, thereof, or where shot from such gun shall fall in, or pass over any cultivated land or dwelling houses, or among stock, or other animals grazing on land contiguous to such public highway.

Sec. 25. It shall be unlawful for any person in the State of Arizona, at any time to hunt, pursue, kill, or destroy, any lark, thrush, sparrow, swallow, grosbeak, or tanager, or any other song bird of any kind, provided, that nothing in this Act be so construed as to interfere with the collection of birds for scientific purposes by the Curator of the State Museum, or by any other person authorized by the State Game Warden of this State to collect.

Sec. 26. It shall be unlawful for any Indian in the State of Arizona, at any time, to hunt, take, pursue, kill, or destroy, any game or fish mentioned in this Act off the Government reservation to which he belongs.

Sec. 27. All American born persons, residents of this State, under the age of seventeen (17) years may have the same privileges as one holding a general license, without cost, provided they are accompanied by a person holding a general license.

Sec. 28. It shall be the duty of the State Game Warden, and he shall have the authority, to procure the printing of all forms and blanks that may be required to carry out the intent of this Act and not inconsistent herewith, and all necessary



blanks shall be furnished by him to the several license collectors. No license shall be issued except on an application sworn to by the applicant, and any false statement in any application shall render the license issued thereon void. Every license collector shall keep a correct and complete record of every license issued by him, which record shall remain in his office and be open to inspection of the public at all times. All moneys collected for licenses shall be sent to the State Treasurer on or before the 10th day of the month following, and license collectors shall report to the State Game Warden the number of licenses issued, and the amount of money remitted.

Sec. 29. All moneys sent to the State Treasurer in payment of hunting licenses, permits, certificates, fines, penalties, or forfeitures, shall be set aside by him, and shall constitute a fund to be known as the game protection fund, for the payment of the printing, publishing of reports, postage, express, and other necessary and office expenses, the salary of the State Game Warden, and the per diem salaries and necessary expenses of deputies, for the purchase, transportation, distribution, and propagation, of game and fish. The State Game Warden shall not issue any voucher, nor shall the State Auditor approve any such voucher issued by the State Game Warden under the provisions of this Act, or otherwise, for any services or expenses of any kind, unless the money to pay such voucher shall at the time be on hand to pay the same.

Sec. 30. All moneys collected for fines under this Act shall be immediately paid over by the Justice of the Peace or clerk collecting or receiving the same as follows: One-half to the State Treasurer to be by him credited to the game protection fund, and one-half to the person or deputy instituting the prosecution, except in cases where such prosecution is instituted by salaried officers, in which case such fines shall all be paid over to the State Treasurer to be by him credited to the game protection fund. The State Treasurer shall render

monthly statements to the State Game Warden showing all moneys received and paid out under the provisions of this Act.

Sec. 31. The English or European sparrow, great horned owl, and all species of hawks, are not included among the birds protected by this Act.

Sec. 32. Prosecution under this Act may be commenced within one (1) month from the date of violation of any of the provisions of this Act, either by complaint or information.

Sec. 33. Nothing in this Act shall prevent a citizen of the State of Arizona from taking or keeping any wild bird in any cage, as a domestic pet, provided that such bird shall not be sold or exchanged or offered for sale or exchange, or transported out of this State.

Sec. 34. It shall be unlawful for any person or persons to catch, kill, or have in his or their possession, any species of trout or game food fish found in any of the public streams or waters of this State unless said fish has been taken with a hook and line attached to a rod or held in the hand, and any person or persons, catching, killing or having in their possession, any such fish, taken in any other manner shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) or by imprisonment for not less than ten (10) days nor more than thirty (30) days, or by both such fine and imprisonment, in the discretion of the court, and every fish caught or killed in violation hereof shall constitute a separate and distinct offense.

Sec. 35. Any person violating any of the provisions of this Act shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) or by imprisonment for not less than ten (10) days nor more than ninety (90) days, or by both such fine and imprisonment, in the discretion of the court.



Sec. 36. Within thirty (30) days after the becoming effective of this Act, there shall be appointed by the Governor of the State of Arizona an officer to be known as the State Game Warden of the State of Arizona, whose term of office shall be two (2) years and until his successor shall be appointed and shall have qualified. His duties shall be as prescribed by this Act.

Sec. 37. Such State Game Warden shall before entering upon the discharge of his duties qualify by taking the oath required by law to be taken by officers of the State of Arizona and by filing with the Secretary of State of Arizona, after approval by the Governor, a good and sufficient bond with two or more sureties in the sum of two thousand dollars (\$2,000.00) conditional for the faithful performance and discharge of his duties, and shall receive in full compensation for his services the sum of twelve hundred dollars (\$1200.00) per annum to be paid semi-monthly out of the game protection fund, or in case such fund is insufficient, so much thereof as cannot be paid from the game protection fund shall be paid from the general fund of the State from the State Treasury in the same manner as the salaries of other State officers are paid.

Sec. 38. Such State Game Warden shall have the power to appoint deputies in every county of this State (and to remove the same from office), who shall be residents of the county for which they are appointed, and who shall be especially charged with the duty of enforcing the fish and game laws of the State of Arizona, in their respective counties, and such deputies shall receive in full compensation for their services one-half of all the fines imposed upon prosecutions procured or instituted by them, and convictions secured thereunder for violation of the fish and game laws of this State, and each deputy as appointed shall qualify by filing with the State Game Warden of the State of Arizona an oath of office in the form prescribed by law for State officers. It shall be the duty of the State Game Warden of the State of Arizona and of every dep-

uty, within said deputy's county, rigidly and strictly to care for and enforce the provisions of this and all other laws of the State of Arizona, for the protection of fish and game of whatsoever kind or description, and to institute, or cause the institution of, prosecutions for any and all violation of such laws, and to that and such State Game Warden and each and every one of his deputies within their respective counties as aforesaid, are hereby authorized and required to arrest, or cause to be arrested, all violators of such laws, and to lodge accusations against them in a court of competent jurisdiction in the premises; to gather evidence in behalf of the prosecution of such offenders, and to do any and all things necessary to the punishment hereunder and under the laws of this State on the subject of fish and game and the protection thereof. And such State Game Warden or such deputy shall be liable to a fine of not less than one hundred dollars (\$100.00) nor more than two hundred and fifty dollars (\$250.00) or to imprisonment for not less than thirty (30) days nor more than ninety (90) days for the failure to arrest and prosecute any person violating any of the provisions of this Act; provided, that such violations come within the knowledge of such warden or deputy. The conviction thereof shall also operate as a removal of such person from office.

Sec. 39. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated the sum of five hundred dollars (\$500.00) for the purpose of carrying out the provisions of this Act, to be used by the State Game Warden for the printing and binding of suitable books and blanks required herein. The State Auditor is hereby authorized to draw his warrant for such expenditures as are provided herein, at such times and in such amounts as may be approved by the State Auditor and the Treasurer is directed to pay the same.

Sec. 40. No license shall be required by any person who, during the open season, on his own lands, hunt, pursues, or kills, any of the wild birds or animals protected by the laws of

this state, nor shall this Act apply to the taking of fish from private artificial ponds or reservoirs with the permission of the owner.

Sec. 41. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved June 24, 1912.

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NOTE.—The foregoing Act was passed by the Legislature and Referendum ordered by petition of the people, filed in the office of the Secretary of State September 20, 1912 and approved by a majority of the votes cast thereon at the general election held on the 5th day of November, 1912. There were 13,121 votes cast for said Act and 6,334 against, and was proclaimed by the Governor on December 5th, 1912.

SECRETARY OF STATE.

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